REMARKS

Claims 1-4 and 11 are amended to incorporate the subject matter of claim 7, which explicitly states that the method of the present invention classifies data frames as being in a DTX-high or DTX-low state. Support for this amendment is found throughout Applicants' specification, and no new matter is added. Claim 7 is cancelled.

Independent claim 1 is rejected under § 102 under Tuutijarvi (7,024,193). Tuutijarvi discloses identifying a transmitting base station for the purposes of measuring Observed Time Differences of arrival by extracting the CDVCC code from a traffic channel (DTC) and comparing it to that received in the neighborhood list. The CDVCC code is not included in the DCCH channel, which is used to actually perform the measurement. The examiner states that Tuutijarvi uses the CDVCC code to classify the data frame as belonging to a first class (DTC) or a second class (DCCH). Without commenting on the veracity of that assertion, Applicants note that Tuutijarvi is completely silent as to classifying a data frame as being a DTX-high or DTX-low state. Accordingly, Tuutijarvi fails to teach or disclose every limitation of amended claim 1, and the § 102 rejection must be withdrawn.

Defendant claims 2-11 are rejected under § 103 under a combination of Tuutijarvi and Sato. As stated above, Tuutijarvi does not disclose classifying a data frame as being a DTX-high or DTX-low state. As thoroughly discussed in a prior response, Sato distinguishes between DTX-high and DTX-low states by comparing the bit lengths of the received frames (i.e., 324 bits vs. 68 bits). Accordingly, Sato does not detour suggest distinguishing between DTX-high and DTX-low states by computing a confidence-weighted correlation between a known bit pattern and data from a particular position of a data frame, as recited in claim 1. Since the combination of Tuutijarvi and Sato fails to teach or suggest all claimed limitations, the prima facie case of obviousness fails, and the § 103 rejections must be withdrawn.

Applicants note that claims 12-22 are allowed. Prompt allowance of all pending claims is hereby respectfully requested.

Respectfully submitted,

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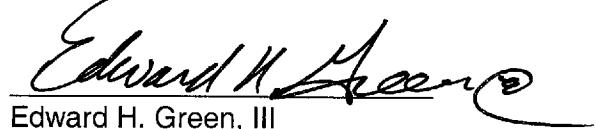
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